

1 JOHN FORREST ZUMBRO  
2 CDCR No. C-69757  
3 SAN QUENTIN STATE PRISON  
4 SAN QUENTIN, CALIFORNIA  
5 94964

**Filed**

AUG 21 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

6 UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8  
9 CASE No. C06-6010 RMW (PR)

10 JOHN FORREST ZUMBRO )  
11 PETITIONER, )  
12 )  
13 v. )  
14 A.P. KANE. WARDEN ET AL )  
15 RESPONDENT. )  
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NOTICE OF APPEAL  
FROM JUDGEMENT OF THE  
DISTRICT COURT AND FOR  
APPLICATION FOR LEAVE  
TO PROCEED IN FORMA  
PAUPERIS.

18 NOTICE OF APPEAL

20 To the Honorable Ronald M. Whyte, Judge for the United  
21 States District Court for the Northern District;

22 Petitioner / Appellant herein respectfully requests this  
23 court take notice that the above Petitioner appeals to the  
24 United States Court of Appeals for the Ninth Circuit from the  
25 order of the Northern District Court entered on July 21, 2008,  
26 DENYING PETITIONER'S PETITION for Writ of Habeas Corpus, brought  
27 pursuant to 28 USC, Section 2254.  
28

1 It should be noted that request for Certification of  
2 Appealability is not required in this case, as Petitioner /  
3 Appellant's challenge is to an Administrative Decision  
4 regarding the execution of his sentence (SEE WHITE v. LAMBERT,  
5 370 F.3d 1002 (9th. Cir. (2004) at p. 1010;) AND (FRANTZ v.  
6 HAZEY, 573 F.3d 1002, (9th. Cir. (2008) ALSO (SASS v. B.P.T.,  
7 F. SUPP.2d, 975 (2005)).

8 Petitioner / Appellant further submits that he is unable  
9 to pay the filing fee and respectfully requests that this  
10 Honorable Court grant him leave to proceed in FORMA PAUPERIS.  
11 (SEE ATTACHED APPLICATION)  
12

13  
14 DATED; 8-18-08

RESPECTFULLY SUBMITTED;



16 JOHN FORREST ZUMBRO  
17 PETITIONER / APPELLANT

18 IN PROPRIA PERSONA  
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SAN QUENTIN STATE PRISON  
SAN QUENTIN, CA. 94964

2008

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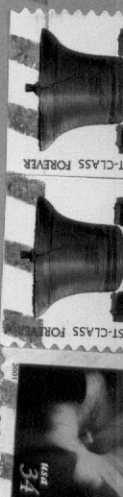
2008



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OFFICE OF THE CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
280 SOUTH FIRST STREET, ROOM 2112  
SAN JOSE, CALIFORNIA 95113-3695

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Onych 8/18/08